

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DIRECTV, INC.

PLAINTIFF

VS.

CIVIL ACTION NO.2:03CV378-WAP-JAD

DONNIE KYLES

DEFENDANT

ORDER

On consideration of the file and records in this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated April 13, 2005, was on that date duly served by first class mail upon counsel for plaintiff and defendant Donnie Kyles; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by said parties. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore,

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated April 13, 2005, be, and it is hereby, approved and adopted, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That default judgment be entered against defendant Donnie Kyles on the claims asserted against him by plaintiff Hogue.

3. Damages in the statutory amount of ten thousand dollars(\$10,000.00) are assessed against Kyles, plus reasonable attorneys fees in the amount of \$ 850.00 and all costs. Plaintiff shall be granted a judgment against Kyles as set forth above.

THIS the 18th day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE